

**ARKANSAS  
SENTENCING**

**DEPARTURE REPORT**

**COMMISSION**

Offender Name (Last, First, Middle)

County #

Judge

Date of Report

Circuit Court Case #

Name of

**REASON FOR DEPARTURE:**

Reference should be made to the complete text of departure criteria found at A.C.A.16-90-804(d). Please Circle Appropriate Number. At least one departure criteria must be designated to be complete.

**A. Mitigating Factors:**

1. Victim played an aggressive role or provoked the incident or was a willing participant.
2. Offender lacked capacity of judgement due to mental or physical impairment.
3. Offender played a minor or passive role in the crime.
4. Offender compensated or made effort to compensate for any damage or injury before detection.
5. Offender was lesser participant showing caution or concern for safety or well-being of victim.
6. Offender acted in response to continuing physical or sexual abuse by victim.
7. Policy on multiple offenses in a single course of conduct in offender's prior criminal history results in a sentence which is excessive for this particular offense.
8. Offender has voluntarily admitted sexual offense and sought treatment before detection.
9. Offender has made effort to provide assistance in investigation or prosecution of another as so indicated by motion by the State. Following circumstances may be weighed in mitigation:
  - a. Timeliness of assistance
  - b. Nature and extent of assistance
  - c. Truthfulness, completeness and demonstrable reliability of information or testimony
10. Other (attach extra sheet if necessary)

**B. Aggravating Factors:**

1. Offender's conduct manifested extreme cruelty during commission of current offense.
2. Offender knew victim vulnerable due to extreme youth, advanced age, disability or ill health.
3. Offense was major economic offense established by one of the following criteria:
  - a. Multiple victims or incidents;
  - b. Monetary loss substantially greater than typical;
  - c. Degree of sophistication or time;
  - d. Misuse of fiduciary duty;
  - e. Other similar conduct
4. Offense was major controlled substance offense if two or more of the following are present:
  - a. Three or more separate transactions involve sale, transfer or possession with intent;
  - b. Amounts substantially larger than the statutory minimums which define the offense;
  - c. Offense involved a high degree of planning or lengthy period or broad geographic area;
  - d. Offender occupied a high position in the drug distribution hierarchy;
  - e. Offender misused position of trust or status or fiduciary duty to facilitate commission;
  - f. Offender has received substantial income or resources from drug trafficking.
5. Offender employed firearm in furtherance or flight unless such use is element of offense.
6. Offense was sexual offense and part of pattern with the same or different victims under eighteen.
7. Policy on multiple offenses in a single course of conduct in offender's prior criminal history results in a sentence that is clearly too lenient.
8. Offense was committed in manner that exposed risk of injury to others.
9. Offense was a violent or sexual offense committed in victim's zone of privacy.
10. Offender attempted to cover offense by intimidation of witnesses, tampering of evidence, or misleading authorities.
11. Offense committed to avoid arrest or effect escape.
12. Offender lacks minimum insurance in a vehicular homicide.
13. Statutory minimum sentence overrides the presumptive sentence.
14. Multiple concurrent sentences being entered at this time require a higher sentence.
15. Sentence is higher as a result of other charges being dropped or merged.
16. Other (attach extra sheet if necessary)

Defense Attorney

**Judge's Signature**\_\_\_\_\_